
Public Safety & Emergency Preparedness Committee

HB 2571

Brief Description: Changing the definition of predatory.

Sponsors: Representative Appleton.

Brief Summary of Bill

- Modifies the definition of "predatory" for the purposes of sex offender sentencing to include perpetrators in home-based instruction and exclude coaches, trainers, and volunteers in recreational activities, as well as pastors, elders, and volunteers in religious organizations.

Hearing Date: 1/20/10

Staff: Alexa Silver (786-7190).

Background:

The term "predatory" is defined in the Sentencing Reform Act to mean any of the following:

1. The perpetrator was a stranger to the victim.
2. The perpetrator established a relationship with the victim, and a significant reason for doing so was the victimization of the victim.
3. The perpetrator was a:
 - a. teacher, counselor, volunteer, or other person of authority in a public or private school where the victim was a student under the perpetrator's authority;
 - b. coach, trainer, volunteer, or other person of authority in a recreational activity in which the victim participated and was under the perpetrator's authority; or
 - c. pastor, elder, volunteer, or other person of authority in a church or religious organization where the victim was a participant under the perpetrator's authority.

For purposes of perpetrators in schools, home-based instruction is excluded.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

In a prosecution for rape of a child in the first degree, rape of a child in the second degree, or child molestation in the first degree, when there is sufficient admissible evidence that the offense was predatory, the prosecutor must file a special allegation. The prosecutor has the burden to prove beyond a reasonable doubt that the offense was predatory. If the offense is found to be predatory, the court must impose a higher minimum sentence on the offender. The minimum term imposed for a predatory offense is the greater of 25 years or the maximum term in the standard sentence range.

Summary of Bill:

For purposes of perpetrators in schools, the definition of "predatory" includes home-based instruction.

"Predatory" does not include a perpetrator who was a:

- a. coach, trainer, volunteer, or other person of authority in a recreational activity in which the victim participated and was under the perpetrator's authority; or
- b. pastor, elder, volunteer, or other person of authority in a church or religious organization where the victim was a participant under the perpetrator's authority.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.